

Verdi & Ogletree PLLC

Kerry Brainard Verdi, Esquire
KVerdi@verdiogletree.com

1325 G Street, NW
Suite 500
Washington, DC 20005
Phone: (202) 449-7703
Fax: (202) 449-7701

June 5, 2023

VIA ECF

Honorable Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, New York 10007

Re: *Look Above, LLC v. PPE Solutions Group, LLC* No. 1:22-cv-03418

Dear Judge Carter:

This letter is written in response to the Plaintiff's letter dated June 1, 2023, seeking the Court's enforcement of a settlement agreement and the imposition of financial penalties due to late payments by the Defendant. We kindly ask for the Court's understanding and patience as Defendant clarifies its stance and the unfortunate financial situation the Defendant finds itself in.

Defendant acknowledges its binding obligations under the settlement agreement with Look Above LLC ("Look Above"). The Defendant fully recognizes and intends to honor these obligations. However, due to unforeseen and severe financial difficulties, there have been unfortunate delays in payment.

Despite these financial constraints, Defendant has made all past payments, albeit late, with the exception of the May payment that is the subject of Plaintiff's letter. This is demonstrative of the Defendant's commitment and intent to honor the terms of the settlement agreement. The Defendant is not evading its obligations, but rather navigating through a challenging financial landscape while still aiming to meet its commitments.

Defendant has informed undersigned counsel that it expects to make another payment towards the settlement shortly, further emphasizing its intentions of honoring the settlement agreement.

Concerning Plaintiff's suggestion of imposing a financial penalty against the Defendant, this would only exacerbate the Defendant's existing financial difficulties and could potentially delay the resolution of this matter. Further, nothing in the settlement agreement itself allows for sanctions, penalties or liquidated damages.

Defendant kindly requests the Court take into account the Defendant's current situation, the steps it is taking to rectify these difficulties, and its demonstrated commitment to fulfill its obligations. We believe that under these circumstances, the Defendant's request for some leniency during this time is warranted.

Thank you for your understanding and consideration of this matter.

Sincerely,

/s/ Kerry Brainard Verdi

Kerry Brainard Verdi

cc: Counsel of Record (via ECF)